

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 RON ESPINOZA  
Deputy Attorney General  
4 State Bar No. 176908  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2100  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*  
8

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation/Petition to  
Revoke Probation Against:

13 **MYUNG-HI SIN**  
6100 Ohio Drive, Apt. 1817  
14 Plano, TX 75024

15 Registered Nurse License No. RN 572475

16 Respondent.

Case No. *2010-472*

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about September 28, 2000, the Board of Registered Nursing issued Registered  
24 Nurse License Number RN 572475 to Myung-Hi Sin (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein, and  
26 expired on November 30, 2009.

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## DISCIPLINARY HISTORY

3. In a previous disciplinary action entitled "In the Matter of the Accusation Myung-Hi Sin, R.N.," Case No. 2004-213, the Board of Registered Nursing issued a decision, effective November 28, 2004, in which Respondent's Registered Nurse License was revoked. However, the revocation was stayed, and Respondent's nursing license was placed on probation for a period of three (3) years, with certain terms and conditions. A copy of that decision is attached as Exhibit A, and is incorporated by reference as if fully set forth herein. On or about February 2, 2006, Respondent moved out of state from California to Texas while still on probation with the Board of Registered Nursing.

## JURISDICTION

4. This Accusation and Petition to Revoke Probation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Section 2764 of the Code provides, in pertinent part, that the lapsing of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the

1 licensee or to render a decision imposing discipline on the license. Under section 2811,  
2 subdivision (b) of the Code, the Board may renew an expired license at any time within eight  
3 years after the expiration.

#### 4 STATUTORY PROVISIONS

5 8. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an  
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
10 functions.

11 ". . . .

12 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
13 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
14 Act] or regulations adopted pursuant to it.

15 ". . . . "

#### 16 REGULATIONS

17 9. California Code of Regulations, title 16, section 1442, states:

18 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from  
19 the standard of care which, under similar circumstances, would have ordinarily been exercised by  
20 a competent registered nurse. Such an extreme departure means the repeated failure to provide  
21 nursing care as required or failure to provide care or to exercise ordinary precaution in a single  
22 situation which the nurse knew, or should have known, could have jeopardized the client's health  
23 or life."

#### 24 COST RECOVERY

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.



1 within 45 days of the effective date of the decision, unless previously submitted as part of the  
2 licensure application process...

3 "12. **Violation of Probation.** If Respondent violates the conditions of her  
4 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside  
5 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

6 If during the period of probation, an accusation or petition to revoke probation has  
7 been filed against Respondent's license or the Attorney General's Office has been requested to  
8 prepare an accusation or petition to revoke probation against Respondent's license, the  
9 probationary period shall automatically be extended and shall not expire until the accusation or  
10 petition has been acted upon by the Board."

11 14. Grounds exist to revoke Respondent's probation and reimpose the Order of  
12 revocation of her license in that she has violated the terms and conditions of her probation as  
13 follows:

#### 14 CAUSE TO REVOKE PROBATION

##### 15 (Failure to Obey All Laws)

16 15. At all times after the effective date of Respondent's probation, Condition 1 required  
17 Respondent to comply with all federal, state and local laws.

18 16. Respondent's probation is subject to revocation because she failed to comply with  
19 Probation Condition 1 as fully described in paragraph 11 above, which is hereby incorporated by  
20 reference.

#### 21 DISCIPLINE CONSIDERATIONS

22 17. To determine the degree of discipline, if any, to be imposed on Respondent,  
23 Complainant alleges that on or about November 28, 2004, in the prior disciplinary action entitled  
24 "In the Matter of the Accusation Myung-Hi Sin, R.N.," Case No. 2004-213, Respondent's  
25 Registered Nurse License was disciplined for gross negligence in the care of patient in violation  
26 of the Business and Professions Code. That decision is final and is incorporated by reference as if  
27 fully set forth herein.

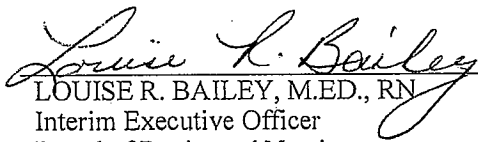
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 572475 issued to Myung-Hi Sin;
2. Ordering Myung-Hi Sin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2004-213 and imposing the disciplinary order that was stayed, thereby revoking Registered Nurse License Number RN 572475 issued to Myung-Hi Sin; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 3/29/10

  
LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SD2009804738

APPROVED  
DATE: 03/29/10 BY: [illegible]  
[illegible]

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**EXHIBIT A**

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MYUNG-HI SIN, R.N.  
1475 S. Highland Ave Apt C110  
Fullerton, CA 92832

Registered Nurse License No. 572475

Respondent.

Case No. 2004-213

OAH No. L-2004030854

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 28, 2004.

It is so ORDERED October 27, 2004.

*Sandra L. Erickson, CRNA*  
\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS



1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2066  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 MYUNG-HI SIN, R.N.  
13 1475 S. Highland Ave Apt C110  
14 Fullerton, CA 92832

15 Registered Nurse License No. 572475

16 Respondent.

Case No. 2004-213

OAH No. L-2004030854

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the  
21 Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Susan  
23 Fitzgerald, Deputy Attorney General.

24 2. Respondent Myung-Hi Sin, R.N. (Respondent) is represented in this proceeding  
25 by attorney Christine Burk, whose address is 4181 Funswept Drive, Studio City, CA 91604.

26 3. On or about September 28, 2000, the Board of Registered Nursing issued  
27 Registered Nurse License No. 572475 to Myung-Hi Sin, R.N. (Respondent). The license was in  
28 full force and effect at all times relevant to the charges brought in Accusation No. 2004-213 and

1 will expire on November 30, 2005, unless renewed.

2 JURISDICTION

3 4. Accusation No. 2004-213 was filed before the Board of Registered Nursing  
4 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
5 Accusation and all other statutorily required documents were properly served on Respondent on  
6 March 2, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A  
7 copy of Accusation No. 2004-213 is attached as exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, fully discussed with counsel, and understands the  
10 charges and allegations in Accusation No. 2004-213. Respondent has also carefully read, fully  
11 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
12 Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
17 compel the attendance of witnesses and the production of documents; the right to reconsideration  
18 and court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each  
21 and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Accusation No. 2004-213.

25 9. Respondent agrees that her Registered Nurse License is subject to discipline and  
26 she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
27 Order below.

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1 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
2 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
3 and enforceable to the fullest extent permitted by law.

4 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full  
5 and detailed account of any and all violations of law shall be reported by Respondent to the  
6 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
7 compliance with this condition, Respondent shall submit completed fingerprint forms and  
8 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
9 as part of the licensure application process.

10 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
11 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
12 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

13 2. **Comply with the Board's Probation Program.** Respondent shall fully comply  
14 with the conditions of the Probation Program established by the Board and cooperate with  
15 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
16 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
17 more than 15 days of any address change and shall at all times maintain an active, current license  
18 status with the Board, including during any period of suspension.

19 Upon successful completion of probation, Respondent's license shall be fully restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
21 person at interviews/meetings as directed by the Board or its designated representatives.

22 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
23 practice as a registered nurse outside of California shall not apply toward a reduction of this  
24 probation time period. Respondent's probation is tolled, if and when she resides outside of  
25 California. Respondent must provide written notice to the Board within 15 days of any change of  
26 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
27 returning to practice in this state.

28 Respondent shall provide a list of all states and territories where she has ever been

1 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
2 provide information regarding the status of each license and any changes in such license status  
3 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
4 new nursing license during the term of probation.

5       **5. Submit Written Reports.** Respondent, during the period of probation, shall  
6 submit or cause to be submitted such written reports/declarations and verification of actions  
7 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
8 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
9 Program. Respondent shall immediately execute all release of information forms as may be  
10 required by the Board or its representatives.

11       Respondent shall provide a copy of this Decision to the nursing regulatory agency in  
12 every state and territory in which she has a registered nurse license.

13       **6. Function as a Registered Nurse.** Respondent, during the period of probation,  
14 shall engage in the practice of registered nursing in California for a minimum of 24 hours per  
15 week for 6 consecutive months or as determined by the Board.

16       For purposes of compliance with the section, "engage in the practice of registered  
17 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
18 work in any non-direct patient care position that requires licensure as a registered nurse.

19       The Board may require that advanced practice nurses engage in advanced practice nursing  
20 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

21       If Respondent has not complied with this condition during the probationary term, and  
22 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
23 condition, and if no other conditions have been violated, the Board, in its discretion, may grant  
24 an extension of Respondent's probation period up to one year without further hearing in order to  
25 comply with this condition. During the one year extension, all original conditions of probation  
26 shall apply.

27       **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
28 prior approval from the Board before commencing or continuing any employment, paid or

1 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
2 performance evaluations and other employment related reports as a registered nurse upon request  
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate  
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
7 (72) hours after she obtains any nursing or other health care related employment. Respondent  
8 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
9 separated, regardless of cause, from any nursing, or other health care related employment with a  
10 full explanation of the circumstances surrounding the termination or separation.

11 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding  
12 Respondent's level of supervision and/or collaboration before commencing or continuing any  
13 employment as a registered nurse, or education and training that includes patient care.

14 Respondent shall practice only under the direct supervision of a registered nurse in good  
15 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
16 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
17 approved.

18 Respondent's level of supervision and/or collaboration may include, but is not limited to  
19 the following:

20 (a) Maximum - The individual providing supervision and/or collaboration is present in  
21 the patient care area or in any other work setting at all times.

22 (b) Moderate - The individual providing supervision and/or collaboration is in the  
23 patient care unit or in any other work setting at least half the hours Respondent works.

24 (c) Minimum - The individual providing supervision and/or collaboration has person-  
25 to-person communication with Respondent at least twice during each shift worked.

26 (d) Home Health Care - If Respondent is approved to work in the home health care  
27 setting, the individual providing supervision and/or collaboration shall have person-to-person  
28 communication with Respondent as required by the Board each work day. Respondent shall

1 maintain telephone or other telecommunication contact with the individual providing supervision  
2 and/or collaboration as required by the Board during each work day. The individual providing  
3 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits  
4 to patients' homes visited by Respondent with or without Respondent present.

5       **9. Employment Limitations.** Respondent shall not work for a nurse's registry, in  
6 any private duty position as a registered nurse, a temporary nurse placement agency, a traveling  
7 nurse, or for an in-house nursing pool.

8       Respondent shall not work for a licensed home health agency as a visiting nurse unless  
9 the registered nursing supervision and other protections for home visits have been approved by  
10 the Board. Respondent shall not work in any other registered nursing occupation where home  
11 visits are required.

12       Respondent shall not work in any health care setting as a supervisor of registered nurses.  
13 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
14 and/or unlicensed assistive personnel on a case-by-case basis.

15       Respondent shall not work as a faculty member in an approved school of nursing or as an  
16 instructor in a Board approved continuing education program.

17       Respondent shall work only on a regularly assigned, identified and predetermined  
18 worksite(s) and shall not work in a float capacity.

19       If Respondent is working or intends to work in excess of 40 hours per week, the Board  
20 may request documentation to determine whether there should be restrictions on the hours of  
21 work.

22       **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll  
23 and successfully complete a course(s) relevant to the practice of registered nursing no later than  
24 six months prior to the end of her probationary term.

25       Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
26 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
27 above required course(s). The Board shall return the original documents to Respondent after  
28 photocopying them for its records.

1           11.    **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
2 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
3 amount of \$4,237.00. Respondent shall be permitted to pay these costs in a payment plan  
4 approved by the Board, with payments to be completed no later than three months prior to the  
5 end of the probation term.

6           If Respondent has not complied with this condition during the probationary term, and  
7 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant  
9 an extension of Respondent's probation period up to one year without further hearing in order to  
10 comply with this condition. During the one year extension, all original conditions of probation  
11 will apply.

12           12.    **Violation of Probation.** If Respondent violates the conditions of her probation,  
13 the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay  
14 order and impose the stayed discipline (revocation/suspension) of Respondent's license.

15           If during the period of probation, an accusation or petition to revoke probation has been  
16 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
17 an accusation or petition to revoke probation against Respondent's license, the probationary  
18 period shall automatically be extended and shall not expire until the accusation or petition has  
19 been acted upon by the Board.

20           13.    **License Surrender.** During Respondent's term of probation, if she ceases  
21 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
22 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
23 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
24 take any other action deemed appropriate and reasonable under the circumstances, without  
25 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
26 will no longer be subject to the conditions of probation.

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1 Surrender of Respondent's license shall be considered a disciplinary action and shall  
2 become a part of Respondent's license history with the Board. A registered nurse whose license  
3 has been surrendered may petition the Board for reinstatement no sooner than the following  
4 minimum periods from the effective date of the disciplinary decision:

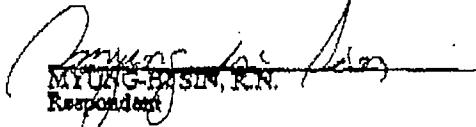
5 (1) Two years for reinstatement of a license that was surrendered for any reason other  
6 than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

8 **ACCEPTANCE**

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
10 have fully discussed it with my attorney, Christine Burk. I understand the stipulation and the  
11 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and  
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
13 Decision and Order of the Board of Registered Nursing.

14 DATED: September 29, 2004.

15  
16   
17 MYUNG-HI SIN, R.N.  
Respondent

18 I have read and fully discussed with Respondent Myung-Hi Sin, R.N, the terms and  
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
20 Order. I approve its form and content.

21 DATED: September 30, 2004.

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24 CHRISTINE BURK  
Attorney for Respondent.

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: <sup>Oct.</sup> September 1, 2004.

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
SUSAN FITZGERALD  
Deputy Attorney General

Attorneys for Complainant

**Exhibit A**

**Accusation No. 2004-213**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101  
5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2066  
Facsimile: (619) 645-2061  
7 Attorneys for Complainant

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9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2004-213*

13 MYUNG-HI SIN, R.N.  
14 1474 S. Highland Ave Apt C110  
Fullerton, CA 92832

**A C C U S A T I O N**

15 Registered Nurse License No. 572475

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about September 28, 2000, the Board of Registered Nursing issued  
24 Registered Nurse license number 572475 to Myung-Hi Sin, R.N. (Respondent). The Registered  
25 Nurse license was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on November 30, 2005, unless renewed.

27 ///

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following sections of the California Business & Professions Code:

A. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

"..."

B. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

4. This Accusation is also brought before the Board under the authority of section 1442 of the California Code of Regulations, Title 16 (CCR), which provides in pertinent part:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the... failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

## DRUGS

5. "Versed" is a brand name for midazolam, a Schedule IV controlled substance under the Health & Safety Code. Versed is a rapid action parenteral benzodiazepine used to produce conscious sedation.

6. Vecuronium is a nondepolarizing neuromuscular blocker, used to produce skeletal muscle relaxation during mechanical ventilation.

1 CHARGES AND ALLEGATIONS

2 CAUSE FOR DISCIPLINE

3 (Unprofessional Conduct: Gross Negligence)

4 5. Respondent is subject to disciplinary action under section 2761(a)(1) in that she  
5 was grossly negligent in caring for a patient. The circumstances are as follows:

6 A. On or about February 17, 2003, Respondent was a nurse at Fountain Valley  
7 Regional Hospital in Fountain Valley, California.

8 B. On or about February 17, 2003, Respondent was caring for an elderly male patient  
9 who had been placed on a ventilator and who had physician's orders for two  
10 different antibiotics, and Versed and Vecuronium, all of which were to be  
11 administered intravenously.

12 C. Respondent, intending to infuse the two antibiotic drugs, instead rapidly infused  
13 the patient with the paralytic and sedative medications, Versed and Vecuronium. Respondent left  
14 the patient before determining that the correct medications (the antibiotics) were being infused as  
15 ordered. The error was discovered by another nurse after about 15 minutes. Resuscitation efforts  
16 were instituted but the patient died. Respondent's acts/omissions contributed to the patient's  
17 death.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
20 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 572475, issued to  
22 Myung-Hi Sin, R.N.;

23 2. Ordering Myung-Hi Sin, R.N. to pay the Board of Registered Nursing the  
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
25 Professions Code section 125.3;

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1           3.     Taking such other and further action as deemed necessary and proper.

2     DATED: Feb. 17, 2004.

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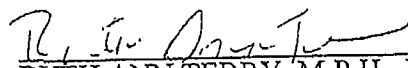
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RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant